

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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KENNETH A. WHITE,	:	Case No. 1:14-CR-185
	:	Case No. 1:16-CV-2776
Petitioner,	:	
	:	
v.	:	OPINION & ORDER
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	

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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Kenneth A. White petitioned for a writ of habeas corpus under [28 U.S.C. § 2255](#).<sup>1</sup> He argued that his right to a speedy trial was violated, that pre-indictment delay deprived him of due process and equal protection, and that he received ineffective assistance of counsel.

On April 13, 2017, the Court denied White's petition.<sup>2</sup> The Court found (1) Petitioner White waived his right to a speedy trial, and regardless, his trial began in a timely fashion; (2) the Sixth Circuit had previously rejected his pre-indictment delay argument, the law of the case doctrine stopped this Court from reexamining the Court of Appeals decision on White's speedy trial claim, and the speedy trial claim otherwise failed; and (3) his counsel was not ineffective in failing to press these two losing arguments.<sup>3</sup>

Petitioner White appealed.<sup>4</sup> The Sixth Circuit requests clarification on whether this Court issues a certificate of appealability. In its opinion, this Court stated "no appeal could be taken

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<sup>1</sup> Doc. [178](#). The government opposed. Doc. [183](#). Petitioner White replied. Doc. [187](#).

<sup>2</sup> Doc. [191](#).

<sup>3</sup> *Id.*

<sup>4</sup> Doc. [193](#).

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from this order in good faith.”<sup>5</sup> The Court maintains its ruling now and denies a certificate of appealability.<sup>6</sup>

IT IS SO ORDERED.

Dated: June 14, 2017

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

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<sup>5</sup> *Id.* at 8 (citing [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#)).

<sup>6</sup> [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).